

New Hampshire Racing & Charitable Gaming Commission
Commission Meeting
November 18, 2013
13-13

Present: Timothy J. Connors, Chairman
Anthony B. Urban, Secretary
Frederick H. Booth, Member
Dennis H. Caza, Member
Michael J. Gatsas, Member
Lynn M. Presby, Member
Paul M. Kelley, Director
Michael R. Williams, Procedures Administrator
Stephen Johnston, Supervisor-Gaming Operations
Billie Jean Arseneault, Gaming/Licensing Supervisor
Linda Glaser, Auditor
Linda R Darrow, Admin Secretary

In Attendance: Dick Bouley, Ryan Gloddy, Ed Callahan, Averill Cate, Jan DiMarzio, Nick Bonardi, Rick Newman and others.

The Chairman called the meeting to order at 11:00 a.m.

A motion was made by Commissioner Urban and seconded by Commissioner Booth to approve and place on file the minutes dated October 25, 2013. Mr. Newman asked for clarification of the netting policy found on page 6 of the minutes. The section in question was the third bullet of the policy: **"If after combining all the wins and losses from house backed games played within (for) the same month of the annual (10 day) games of chance license period, the result is a net loss, the operator will bear the full loss and shall not offset such loss against raked or tournament games."** Mr. Newman's concern was how to address 10 consecutive games that are played at the end of one month and the beginning of another. Discussion ensued. Staff will look into this and report back at the next meeting. Commissioner Urban withdrew his motion and Commissioner Booth withdrew his second. On a motion by Commissioner Urban, seconded by Commissioner Booth and unanimously voted to postpone approval of the minutes until the next meeting when the netting question has been addressed.

On a motion by Commissioner Urban, seconded by Commissioner Booth and unanimously voted to place on file the racing & charitable gaming statistics for the fiscal period of July 1, 2013 – October 31, 2013. It was noted that revenue continues its downward trend.

On a motion by Commissioner Booth, seconded by Commissioner Urban and unanimously voted to accept and place on file the Games of Chance/Bingo/Lucky 7 warning letters/late financials spreadsheets. Director Kelley stated that all items were now in compliance. Any organizations that continue to be late with their financials will need to come in for a hearing before the Commission. Mr. Callahan of Rockingham Park asked that the game operators be notified when one of their charities is late in turning in their paperwork.

On a motion by Commissioner Urban, seconded by Commissioner Booth and unanimously voted to place the Games of Chance State Revenue spreadsheets on file.

Action Items

- a. *Staff to contact AG's officer regarding Poker-Tek:* Director Kelley sent a letter to Attorney General Foster requesting a determination as to whether Poker-Tek may be operated legally in New Hampshire. No response has yet been received from the AG's office.
- b. *Staff to develop written agreement with Oceanfront Gaming regarding their Bingo/Lucky 7 proposal:* Director Kelley noted this has been done and placed on file.
- c. *Staff to request game operators provide their netting procedures:* Letter was sent to the game operators requesting their netting procedures be submitted by November 22, 2013. Staff will report back at the next Commission meeting.
- d. *Staff to review policy statement posted on website regarding machines, equipment and devices for possible modification:* The law changes on November 22nd. Staff will review and have recommendations to present at the next Commission meeting.
- e. *Staff to contact Mr. Potts regarding Lakes Region Casino's unpaid property taxes:* Letter was sent to Mr. Potts on November 1st. No response has been received to date. Discussion ensued. On a motion by Commissioner Gatsas, seconded by Commissioner Urban and unanimously voted to send a certified letter to Mr. Potts requesting a response within 10 days or come in for a hearing before the Commission.
- f. *End of 6-month trial period for Douglas Press sale of Lucky 7 ticket: Triple Jackpot Ponies:* Director Kelley reported there have been no issues, complaints or negative feedback received during this period. On a motion by Commissioner Urban, seconded by Commissioner Booth and unanimously voted to end the trial period and continue to allow Douglas Press to sell the Triple Jackpot Ponies ticket.

Tabled

1. *Relocation of 647 request dated 08-26-13:* Mr. Ryan Gloddy withdrew his request via an email sent to Director Kelley on October 25, 2013.

Correspondence:

- a. A letter from AG's office was received in response to a letter sent to them by Director Kelley regarding redemption slots at Jokers Bar and Grill. Discussion ensued. On a motion by Commissioner Gatsas, seconded by Commissioner Caza and unanimously voted to send another letter to the AG's office requesting an opinion on the operation of redemption slot machines at Jokers Bar and Grill and copy the Manchester Police and State Police. In all similar situations, chiefs of police in the affected jurisdictions and the state police will be copied on any correspondence sent to the AG's office regarding slot machines.
- b. Summary of RCGC monthly activities for month ended October 2013 was reviewed and placed on file.

Old Business:

- Commissioner Presby noted that the Bingo free-play issue still needs resolution. The goal is to meet after the new year and come up with recommendations to resolve the issue.
- Chairman Connors inquired about the status of the racetrack license applications. Director Kelley stated that he has not heard back from the AG's office. Chairman Connors asked Director Kelley to stay on top of the situation.

New Business:

- Director Kelley handed out copies of the NH Supreme Court order requiring the Commission to go into the rule-making process re: Technology Exclusive. Discussion

ensued. Staff was asked to develop a timeline of the process to present at the next Commission meeting. A demonstration of a Technology Exclusive machine will be scheduled. Procedures Administrator Williams will work with Attorney Geiger representing Technology Exclusive and Attorney Wiant of the AG's office.

- Director Kelley provided an update of the upcoming agency move. Access to phones and emails will be limited between December 6th and December 16th.
- Director Kelley provided an update on the Gaming Regulatory Oversight Authority. A revamp of our statutes is in process per the White Sands recommendations. Discussion ensued. Procedures Administrator Williams was thanked for the work he's put into the process thus far.
- Director Kelley handed out the North American Gaming Regulators Association (NAGRA) newsletter. The Commission has recently become a member of the Association.

Procedures Administrator Williams is moving forward with plans to hold a public hearing on the following proposals:

- a. Pari 1010.01 (e) – related to bingo callers.
- b. Pari 1014.01 (b) – related to duly authorized officers
- c. Pari 1214.04 (p) – related to complying with SB 75 requirements

Commissioner Gatsas reviewed the account wagering data and noted that the variance between required and actual was a bit close. Staff will monitor.

There being no questions or comments from the audience, at 11:35 a.m. on a motion by Commissioner Urban, seconded by Commissioner Booth and by a unanimous roll call vote the Commission voted to adjourn the regular meeting:

Connors	-	Yes
Caza	-	Yes
Booth	-	Yes
Gatsas	-	Yes
Presby	-	Yes
Urban	-	Yes

The next meeting is scheduled for Thursday, December 19, 2013 at 10:00 a.m., in Room 100 at the Walker Building.

The Chairman closed the public meeting at 11:35 a.m.

Respectfully Submitted,

Secretary
Anthony B. Urban